

# **EXHIBIT 2**

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WESTERN DISTRICT OF WASHINGTON  
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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE WESTERN DISTRICT OF WASHINGTON

14  
15 BRENDAN DUNN, JACOB ERWIN,  
16 and RYAN TOMPKINS,

17 Plaintiffs,

18 v.

19  
20  
21  
22 MATTHEW HYRA individually and in )  
23 his Official capacity as an OFFICER )  
24 of the SEATTLE POLICE )  
25 DEPARTMENT, and JANE DOE )  
26 HYRA and the Marital Community )  
27 thereof; CITY OF SEATTLE (SPD), )  
28 STEVEN BAILE, individually and in )  
29 his capacity as an OFFICER of the )  
30 SEATTLE POLICE DEPARTMENT )  
31 and JANE DOE BAILE, and the )  
32 marital community thereof; JOHN )  
33 SKOMMESA, individually and in his )  
34 Official capacity as an OFFICER of )  
35 the SEATTLE POLICE DEPARTMENT, )  
36 and JANE DOE SKOMMESA and the )  
37 Marital community thereof; D. L. )  
38 ROBERSON individually and in his )  
39 Official Capacity as an OFFICER )  
40 of the SEATTLE POLICE )  
41 DEPARTMENT, and JANE DOE )

) NO. C08 0978 JL R  
COMPLAINT FOR VIOLATIONS OF  
CIVIL RIGHTS, FALSE ARREST, FALSE  
IMPRISONMENT, MALICIOUS  
PROSECUTION, BATTERY, ASSAULT,  
INTENTIONAL INFILCTION OF  
EMOTIONAL DISTRESS, NEGLIGENCE

)  
JURY TRIAL DEMANDED

DUNN, ET AL V. HYRA, ET AL-COMPLAINT

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ATTORNEY FOR PLAINTIFFS

1       **ROBERSON and the Marital                          )**  
2       **community thereof; OFFICER AVERY,)**  
3       **individually and in his capacity as an )**  
4       **OFFICER of the SEATTLE POLICE                          )**  
5       **DEPARTMENT and JANE DOE                                  )**  
6       **AVERY and the Marital Community                          )**  
7       **thereof; OFFICER GREELEY,                                  )**  
8       **individually and in his capacity as an )**  
9       **OFFICER of the SEATTLE POLICE                                  )**  
10      **DEPARTMENT and JANE DOE                                  )**  
11      **GREELEY and the Marital Community )**  
12      **thereof; SERGEANT MARTIN,                                  )**  
13      **individually and in his capacity as a )**  
14      **SERGEANT of the SEATTLE POLICE                                  )**  
15      **DEPARTMENT and JANE DOE                                  )**  
16      **MARTIN and the Marital Community                          )**  
17      **thereof; LIEUTENANT HAYES,                                  )**  
18      **individually and in his capacity as a )**  
19      **LIEUTENANT of the SEATTLE                                  )**  
20      **POLICE DEPARTMENT and JANE                                  )**  
21      **DOE HAYES and the Marital                                  )**  
22      **Community thereof; R. TOWNE,                                  )**  
23      **individually and in his capacity as a )**  
24      **LIEUTENANT of the SEATTLE                                  )**  
25      **POLICE DEPARTMENT and JANE                                  )**  
26      **DOE TOWNE and the Marital                                  )**  
27      **Community thereof; DOES 1-250,                                  )**  
28    )  
29    **Defendants.**    )  
30      

---

31  
32      BRENDAN DUNN, JACOB ERWIN, and RYAN TOMPKINS the Plaintiffs herein, by  
33      and through their attorney, allege as follows:

34  
35  
36  
37

**I. JURISDICTION**

**DUNN, ET AL V. HYRA, ET AL-COMPLAINT**

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1       1. This court has jurisdiction over the subject matter of this action pursuant to  
2 Title 28, United States Code Sections 1331, 1332, 1343, and 1367, and venue is  
3 properly set in the Western District Federal Court pursuant to 28 U.S.C. 1391.

4           2. The claims upon which this suit is based occurred in this judicial district.

5           3. Plaintiff is informed and believes, and on that basis alleges, that each of the  
6 named Defendants reside in this judicial district.

7

## **II. PARTIES**

9        1.1 Plaintiff BRENDAN DUNN is a single man residing primarily in the State of  
10 Washington, in THURSTON County within the Western District of Washington.

11 Plaintiff was the victim of a false arrest, false imprisonment, excessive force, malicious  
12 prosecution, based on the false arrest and police false statements concerning the  
13 circumstances of the arrest, and conversion of property, as well as violations of his  
14 First, Fourth, Fifth, Eighth, and Fourteenth Amendment Rights.

15

16           1.2 Plaintiff JACOB ERWIN is a single man residing primarily in the State of  
17 Washington, in THURSTON County within the Western District of Washington.

18 Plaintiff was the victim of a false arrest, false imprisonment, excessive force, malicious  
19 prosecution based on the false arrest and police false statements concerning the  
20 circumstances of the arrest, as well as violations of his First, Fourth, Fifth, Eighth, and  
21 Fourteenth Amendment Rights.

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1           1.3 Plaintiff RYAN TOMPKINS is a single man residing primarily in the State of  
2 Washington, in THURSTON County within the Western District of Washington.  
3 Plaintiff was the victim of a false arrest, false imprisonment, excessive force, malicious  
4 prosecution based on the false arrest and police false statements concerning the  
5 circumstances of the arrest, as well as violations of his First, Fourth, Fifth, Eighth, and  
6 Fourteenth Amendment Rights.

7           1.4 Defendant MATTHEW HYRA and JANE DOE HYRA constitute a marital  
8 community under the laws of the State of Washington and upon belief reside in King  
9 County within the Western District of Washington State. Upon belief, MATTHEW  
10 HYRA is and was at the time of the injuries complained of in this complaint, an  
11 employee and/or agent of the CITY OF SEATTLE, i.e. the SEATTLE POLICE  
12 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

13           1.5 DETECTIVE STEVEN BALE and JANE DOE BALE constitute a marital  
14 community under the laws of the State of Washington and upon belief reside in King  
15 County within the Western District of Washington State. Upon knowledge and belief,  
16 OFFICER STEVEN BALE is and was at the time of the injuries complained of in this  
17 complaint, an employee and/or agent of the CITY OF SEATTLE, i.e. the SEATTLE  
18 POLICE DEPARTMENT (hereinafter identified as SPD) acting within the scope of her  
19 duties.

20           1.6 Defendant JOHN SKOMMESA and JANE DOE SKOMMESA constitute a  
21 marital community under the laws of the State of Washington and upon belief reside in

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1 King County within the Western District of Washington State. Upon belief, JOHN  
2 SKOMMESA is and was at the time of the injuries complained of in this complaint, an  
3 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE  
4 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

5           1.7 Defendant D.L. ROBERSON and JANE DOE ROBERSON constitute a  
6 marital community under the laws of the State of Washington and upon belief reside in  
7 King County within the Western District of Washington State. Upon belief, D.L.  
8 ROBERSON is and was at the time of the injuries complained of in this complaint, an  
9 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE  
10 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

11           1.8 Defendant OFFICER AVERY and JANE DOE AVERY constitute a marital  
12 community under the laws of the State of Washington and upon belief reside in King  
13 County within the Western District of Washington State. Upon belief, OFFICER  
14 Avery is and was at the time of the injuries complained of in this complaint, an  
15 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE  
16 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

17           1.8 Defendant OFFICER GREELEY and JANE DOE GREELEY constitute a  
18 marital community under the laws of the State of Washington and upon belief reside in  
19 King County within the Western District of Washington State. Upon belief, OFFICER  
20 GREELEY is and was at the time of the injuries complained of in this complaint, an

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1 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE  
2 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

3

4       1.10 Defendant SERGEANT MARTIN and JANE DOE MARTIN constitute a  
5 marital community under the laws of the State of Washington and upon belief reside in  
6 King County within the Western District of Washington State. Upon belief,  
7 SERGEANT MARTIN is and was at the time of the injuries complained of in this  
8 complaint, an employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE  
9 POLICE DEPARTMENT (hereinafter identified as SPD) acting within the scope of his  
10 duties.

11       1.11 Defendant LIEUTENANT HAYES and JANE DOE HAYES constitute a  
12 marital community under the laws of the State of Washington and upon belief reside in  
13 King County within the Western District of Washington State. Upon belief,  
14 LIEUTENANT HAYES is and was at the time of the injuries complained of in this  
15 complaint, an employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE  
16 POLICE DEPARTMENT (hereinafter identified as SPD) acting within the scope of his  
17 duties.

18       1.12 Defendant R TOWNE and JANE DOE TOWNE constitute a marital  
19 community under the laws of the State of Washington and upon belief reside in King  
20 County within the Western District of Washington State. Upon belief, R TOWNE is  
21 and was at the time of the injuries complained of in this complaint, an employee

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1 and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE DEPARTMENT  
2 (hereinafter identified as SPD) acting within the scope of his duties.

3       1.13 DEFENDANT CITY OF SEATTLE is a government entity in KING  
4 COUNTY governed and functioning under the laws of the State of Washington. It  
5 employs the Officers of the SEATTLE POLICE DEPARTMENT listed above, and other  
6 police officers whose identities are unknown, who were involved in investigation,  
7 crowd control, and other functions at the demonstration at which Defendants were  
8 arrested and participated in the detention, false arrest, false imprisonment, conversion  
9 of Defendants' property and use of excessive and unnecessary force against Plaintiffs  
10 and the resulting malicious prosecutions.

11       1.14 There are other persons, identities presently unknown to Plaintiff who  
12 are, and were at all times mentioned herein, supervisors, incident commanders,  
13 training, and/or disciplining officers, and/or decision-makers of the SEATTLE POLICE  
14 DEPARTMENT, who acted in concert with the above named Defendants and who  
15 devised or approved the police actions responding to the demonstration wherein  
16 Plaintiffs was arrested and/or to Plaintiffs in particular and taken in the incident in  
17 question thereto that is the subject of this action and in doing the things hereinafter  
18 alleged, acted under color of state law as agents of the SEATTLE POLICE  
19 DEPARTMENT and with that agency's full consent and approval.

20       1.15 Now, and at all times discussed herein, the Seattle Police Department was  
21 directly involved and responsible for all training, supervision, and policies in crowd

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1 control of demonstrations for the SEATTLE POLICE DEPARTMENT and is on notice,  
2 of long standing, of similar and other abuses by the SEATTLE POLICE  
3 DEPARTMENT at demonstrations, without taking sufficient steps to resolve the  
4 situation.

5           1.16. DOES 1-100 are, and were at all times mentioned herein, OFFICERS,  
6 Supervisors, and the Incident Commander for this incident , Actors, Or Officials  
7 Involved In the Planning, Creation, Development, training in the policies, and ion the  
8 intelligence gathering and law enforcement at the demonstration in question, leading  
9 to the false arrest, false imprisonment, and or use of force against Plaintiffs and the  
10 violations of Plaintiffs' Constitutional Rights in the incident which is the subject of this  
11 action, or Exercise Of Police Force and Control, and/or failing to discipline officers  
12 thus tacitly encouraging this incident to occur employed against Plaintiffs in the  
13 incident which is the subject of this action, and in committing the acts and omissions  
14 herein alleged hereinafter alleged, acted under color of state law as agents of the  
15 SEATTLE POLICE DEPARTMENT who came to the scene, and violated Plaintiff's  
16 rights as discussed.

17           1.17 This action is brought pursuant to the First, Fourth, Fifth, Eighth, and  
18 Fourteenth Amendments to the United States Constitution, Article 1, Section 5 and  
19 Article 1, Section 7 of the Washington State Constitution, 42 U.S.C. 1983, 1988,  
20 Revised Code of Washington Title 9, Chapter 62, Section 10(1), Washington State

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- 1 common law prohibiting assault, battery, intentional infliction of emotional distress,
- 2 false arrest and false imprisonment, and Washington common law negligence.

3           1.18 In August and September of 2007, the City of Seattle-City Clerk's office  
4 was served by these Plaintiffs with Notices of Claims. The City has acknowledged the  
5 claim, but otherwise has not responded in any way to the claim, and it has been more  
6 than sixty days since the claims were filed.

7

8 II. FACTS

9                   2.1 Plaintiffs had decided at the last minute, reluctantly to attend a  
10 rally and march against the war in Iraq on October 5, 2006, a peaceful permitted  
11 demonstration that took place in the City of Seattle.

12                   2.2 Plaintiffs had planned no activities for that demonstration, had not  
13 ever contemplated any illegal, violent, or disruptive activities of any sort, had no  
14 intention of engaging in any illegal, violent, or disruptive activities of any sort, and  
15 never did engage in any illegal, violent, or disruptive activities of any sort.

16                           2.3 When they arrived at the scene of the demonstration in question at  
17   Cal Anderson Park, they sat down some distance away and ate their lunch sitting on  
18   the grass.

19                   2.4 Plaintiff Brendan Dunn had actually brought a book and was reading  
20                   in the park.

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1           2.5 The three of them were reading, socializing, passing out some  
2 political literature, and sharing a melon.

3           2.6 Plaintiffs had brought a red and black anarcho-syndicalist flag, on a  
4 flimsy pole that could not possibly have been used as a weapon.

5           2.7 This flag was not a weapon and Plaintiffs never intended in any way  
6 to use it as a weapon.

7           2.8 The flag belonged to Plaintiff Brendan Dunn and was being loosely  
8 held by Plaintiff Jacob Erwin on his lap.

9           2.8 According to DEFENDANT Officer MATTHEW HYRA's police  
10 report, he had gotten a "tip" from a member of Friends of Cal Anderson Park that she  
11 had seen a posting on a website, by an unknown person, calling on un-named  
12 Anarchists to take unspecified action, and he decided to act based on this chain of  
13 hearsay.

14           2.9 As Plaintiffs were peacefully sitting on the grass eating their lunch,  
15 Defendant Officer MATTHEW HYRA along with his partner Defendant Officer  
16 STEVEN BALES rode up and high speed on their bicycles, and without saying  
17 a word, HYRA yanked the flag out of Plaintiff Erwin's hands.

18           2.10 DEFENDANT Officer MATTHEW HYRA then ordered PLAINTIFF  
19 JACOB ERWIN to go with him.

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1                   2.11 When Plaintiff Erwin objected, Defendant HYRA repeated the order  
2 and began walking away with the flag, flag in one hand and his bicycle in the  
3 other.

4                   2.12 A large crowd including Plaintiffs followed DEFENDANTS HYRA  
5 and BALES as HYRA walked along, demanding to know why HYRA was taking  
6 the flag and why Erwin had to go with him, HYRA offered no explanation; he  
7 just kept repeating the order.

8                   2.13 PLAINTIFF RYAN TOMPKINS them without blocking or interfering  
9 with the officers in any way moved to face HYRA from an angle, walking  
10 backwards to do so, and began taking pictures of HYRA marching away with  
11 the flag.

12                  2.14 HYRA then responded by taking his bicycle and slamming it into  
13 Tompkins' leg.

14                  2.15 When TOMPKINS objected, HYRA said "alright, that's it", put the  
15 bicycle down on its kickstand, and roughly grabbed TOMPKINS, and  
16 Defendants HYRA and BALES then threw Plaintiff TOMPKINS into a tree,  
17 pinning another demonstrator's hand against the tree, and arrested him.

18                  2.16 When Plaintiff Erwin objected to the arrest of TOMKINS, Defendant  
19 Officer BALES bent ERWIN's thumb back, and BALES and Defendant D.L.  
20 ROBERSON arrested him, tackling him to the ground before handcuffing him.

1                   2.17 Defendants BALES and D.L. ROBERSON and other officers put  
2                   their knees into ERWIN'S back, causing further pain.

3                   2.18 ROBERSON then lifted ERWIN by the handcuffs, causing great  
4                   pain to his shoulder, which got worse when he was forced to sit handcuffed in a  
5                   holding cell for hours at the King County Jail.

6                   2.19 Defendant Officer JOHN SKOMMESA then proceeded to throw  
7                   PLAINTIFF DUNN to the ground; HYRA insisted that DUNN had assaulted him  
8                   from behind, even though HYRA admitted to never seeing DUNN.

9                   2.20 When DUNN repeatedly asked DEFENDANT SKOMMESA what he  
10                  was being arrested for, SKOMMESA told him he didn't know.

11                  2.21 The above named officers were physically assisted in these illegal  
12                  arrests by DEFENDANT Officers AVERY AND GREELEY and DEFENDANT  
13                  SERGEANT MARTIN.

14                  2.22 All of these DEFENDANT OFFICERS AND SERGEANT used  
15                  unnecessary and excessive force against Plaintiffs.

16                  2.23 All three Plaintiffs were taken to the King County Jail, where they  
17                  were required to post bail to be released.

18                  2.24 Plaintiff ERWIN was held in solitary confinement in a disciplinary  
19                  cell for a period of time due to a 'bureaucratic mix-up'.

20                  2.22 All of the above named officers participated in a common plan and  
21                  scheme to arrest Plaintiffs.

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1           2.24 These actions were ratified by supervising Defendants MARTIN,  
2           HAYES, and TOWNES.

3           2.24 Plaintiffs violated no laws.

4           2.25 While Plaintiffs were in custody, DEFENDANT HYRA began  
5           interrogating them about their political ideologies, as if their political ideologies  
6           were themselves a crime, announced to Dispatch that he had arrested three  
7           Anarchists, and informed them that they had been planning acts of violence  
8           and that their flag was a 'symbol of violence'.

9           2.26 Plaintiffs ERWIN AND TOMPKINS were charged with Obstructing  
10          an Officer and Resisting Arrest. Those charges were dismissed by the Seattle  
11          Municipal Court hearing a Knapstad Motion to dismiss for lack of probable  
12          cause; Judge Hightower dismissed the charges against them holding that they  
13          had committed no obstruction, as DEFENDANT OFFICER HYRA was acting  
14          illegally when he charged into the crowd and seized the flag, and that there was  
15          no lawful police actions for them to obstruct, and they had not resisted a lawful  
16          arrest.

17           2.27 PLAINTIFF DUNN was charged with Felony Assault 3 on an officer.  
18          That charge was dismissed based on the prosecutor's motion in the interest of  
19          justice based on the illegality of DEFENDANT HYRA's activity, and a finding  
20          that there was no evidence that PLAINTIFF DUNN had assaulted DEFENDANT  
21          HYRA or anyone else.

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1                   2.28 In addition to their Constitutional and physical harm, Plaintiffs were  
2 forced to obtain counsel to vindicate their rights.

3                   2.29 To this day, Defendants have refused to return Plaintiffs' flag to  
4 them.

5

6                   **III. STATEMENT OF DAMAGES**

7

8                   3.1     As a direct and proximate result of the intentional and/or negligent  
9 acts of Defendants, Plaintiffs sustained deprivation of their First, Fourth, Fifth, Eighth,  
10 and Fourteenth Amendment Rights, deprivation of liberty, pain and suffering, injury,  
11 and emotional distress in an amount that will be established at trial.

12                  3.2     As a further direct and proximate result of the intentional and/or  
13 negligent acts of Defendants, Plaintiffs had to retain legal counsel to protect their  
14 liberty and vindicate their rights in court at an amount to be established at trial and for  
15 which they are entitled to be reimbursed.

16                  3.3     As a further direct and proximate result of the intentional and  
17 negligent acts of the Defendants, Plaintiffs underwent several hours of imprisonment  
18 and then wrongful prosecution

19                  3.4 Plaintiffs are entitled to compensation for the Constitutional and  
20 personal harms Defendants inflicted on them, the targeting of them for their perceived

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1 political ideology, and the chilling effect their actions had on the exercise of their First  
2 Amendment Rights.

3 3.5 Plaintiffs are entitled to compensation for the bail they  
4 were forced to post to end their false imprisonment.

5

6 **IV. CAUSE OF ACTIONS:**

7

8 **COUNT ONE**  
9 **VIOLATION OF CIVIL RIGHTS**  
10 **(TITLE 42 U.S.C. SECTION 1983)**  
11 **(As To All Individual Defendants and DOES 1-25)**

12 4.1. Plaintiffs reallege and incorporate herein by reference the allegations set  
13 forth in Paragraphs 1 through 3.5 of this complaint.

14 4.2. In committing the acts complained of herein, Defendants acted under  
15 color of state law to deprive Plaintiffs as alleged herein, of certain constitutionally  
16 protected rights including, but not limited to:

17 (a) The right not to be deprived of liberty without due process of law;  
18 (b) The right to be free from invasion or interference with Plaintiffs' zone of  
19 privacy;  
20 (c) The right to equal protection of the law;  
21 (d) The right to be free from unreasonable search and seizure;  
22 (e) The right to be free from police use of excessive force;

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1                         (f) The right to be free from discriminatory law enforcement;

2                         (g) The right to be free from cruel and unusual punishment.

3                         (h) The Rights to participate in a peaceful and lawful First Amendment exercise,

4                         to Freely Express their political views, to display emblems of their political ideology

5                         without fear of being targeting by law enforcement for it, to Petition the Government

6                         for Redress of Grievances, to Freely Associate with and Assemble with others to do

7                         so without fear of wrongful arrest for doing so.

8                         (i) The right to be free from False Arrest, False Imprisonment, and Malicious

9                         Prosecution, all in violation of their First, Fourth, Fifth, Eighth and Fourteenth

10                         Amendment Rights.

11                         4.3 In violating Plaintiffs' rights as delineated above, and other rights according

12                         to proof, Defendants acted by provocative conduct, conversion of lawful property,

13                         verbal threat and intimidation, use of force, unjustified arrest, false imprisonment, or

14                         by ratifying personally the above listed conducts, and/or cruel and unusual punishment

15                         for crimes Plaintiffs did not commit, Defendants acted to violate Plaintiff's rights under

16                         the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution.

17                         4.4 By knowingly providing false information to the prosecutors to ensure that

18                         Plaintiffs were prosecuted, Defendants acted to maliciously prosecute Plaintiffs in

19                         violation of Plaintiffs' Fifth and Sixth Amendment Rights.

20                         4.5 DOES 1-25 are the other officers involved directly in the incident in

21                         question.

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1           4.6 As a direct and proximate result of the violations of their Constitutional  
2 rights by Defendants, and each of them, Plaintiffs suffered general and special  
3 damages as alleged in this complaint.

4           4.7 The conduct of Defendants was willful, malicious, oppressive, and/or  
5       reckless, and was of such a nature that punitive damages should be imposed in an  
6       amount commensurate with the wrongful acts alleged herein.

7 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

14        4.8 Plaintiffs reallege and incorporate herein by reference the allegations set  
15 forth in Paragraphs 1 through 4.7 of this complaint.

16        4.9 At all times herein mentioned, Defendant HAYES acted in his official  
17 capacities as a LIEUTENANT of the SEATTLE POLICE DEPARTMENT over  
18 Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and  
19 MARTIN and failed to properly supervise, train, and discipline HYRA, BALES,  
20 ROBERSON, SKOMMESA, AVERY, GREELEY, and in fact, ratified and approved  
21 their inappropriate, illegal, and tortious conduct and intentional acts to deprive  
22 Plaintiffs of their rights secured by the Constitution of the United States, including, but

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1 not limited to their rights under the First, Fourth, Fifth, Eighth, and 14th Amendments  
2 to the U.S. Constitution.

3       4.10 At all times herein mentioned, Defendant TOWNES acted in his official  
4 capacities as a LIEUTENANT of the SEATTLE POLICE DEPARTMENT over  
5 Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and  
6 MARTIN and failed to properly supervise, train, and discipline HYRA, BALES,  
7 ROBERSON, SKOMMESA, AVERY, GREELEY, and in fact, ratified and approved  
8 their inappropriate, illegal, and tortious conduct and intentional acts to deprive  
9 Plaintiffs of their rights secured by the Constitution of the United States, including, but  
10 not limited to their rights under the First, Fourth, Fifth, Eighth, and 14th Amendments  
11 to the U.S. Constitution.

12

13       4.11 In committing the acts complained of herein and in their official and  
14 individual capacities, Defendants HAYES and TOWNES acted with a design and  
15 intention to deprive Plaintiffs of their rights secured by the Constitution of the United  
16 States and acted with deliberate indifference to Plaintiffs' rights.

17       4.12 Defendants DOES 20-100 are supervisors and other officers at the  
18 SEATTLE POLICE DEPARTMENT who acted specifically to ratify HYRA, BALES,  
19 ROBERSON, SKOMMESA, AVERY, GREELEY, and MARTIN's inappropriate, illegal,  
20 and tortious conduct and intentional acts to deprive Plaintiffs of their rights secured by  
21 the Constitution of the United States, including, but not limited to their rights under the

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1 First, Fourth, Fifth, Eighth, and 14th Amendments to the U.S. Constitution, and acted  
2 with a design and intention to deprive Plaintiffs of their rights secured by the  
3 Constitution of the United States and acted with deliberate indifference to Plaintiffs'  
4 rights.

5 4.13 As a direct and proximate result of the acts complained of herein, Plaintiff  
6 has suffered general and special damages as set forth in this complaint.

7 4.14 The conduct of Defendants was willful, malicious, oppressive, and/or  
8 reckless, and was of such a nature that punitive damages should be imposed in an  
9 amount commensurate with the wrongful acts alleged herein.

10 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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**COUNT THREE**  
**FALSE ARREST**  
**(As to All Defendants)**

5           4.15 Plaintiffs reallege and incorporate herein by reference the allegations set  
6 forth in Paragraphs 1 through 4.14 of this complaint.

7        4.16. Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY,  
8 GREELEY, and MARTIN, charged into a peaceful group, only seeking to exercise  
9 their First Amendment rights, attacked them, seized their property based on it being  
10 an emblem of their legal political ideology, and arrested them without cause or  
11 justification .

12        4.17 Defendants' seizure and arrest of Plaintiffs without probable cause or a  
13 warrant violated Plaintiffs' rights under the Washington State and U.S. Constitutions,  
14 and further resulted in the malicious prosecution which followed, and the harm caused  
15 thereby.

16           4.18. The conduct of Defendants was willful, malicious, oppressive and/or  
17       reckless, and was of such a nature that punitive damages should be imposed in an  
18       amount commensurate with the wrongful acts herein alleged.

19           4.19. As a direct and proximate result of the acts complained of herein,

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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**COUNT FOUR**  
**FALSE IMPRISONMENT**  
**(As to all Defendants)**

5           4.20. Plaintiffs reallege and incorporate herein by reference the allegations set  
6 forth in Paragraphs 1 through 4.19 of this complaint.

7        4.21. As a result of the false arrest by Defendants HYRA, BALES,  
8 ROBERSON, SKOMMESA, AVERY, GREELEY, and MARTIN detailed above,  
9 Plaintiffs were violently arrested and taken to and held in the King County Jail where  
10 they were interrogated as to their political ideology by Defendant HYRA and forced to  
11 post bail, without cause or justification, before being released.

12        4.22 Plaintiffs were unjustly deprived of liberty for that period and subjected to  
13 abuses therein.

14           4.23 As a further direct and proximate result of the false arrest and  
15 imprisonment of Plaintiffs, they suffered damages and injuries as heretofore alleged in  
16 this complaint.

17           4.24 The conduct of Defendants was willful, malicious, oppressive and/or  
18       reckless, and was of such a nature that punitive damages should be imposed in an  
19       amount commensurate with the wrongful acts herein alleged.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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**COUNT FIVE  
ASSAULT AND BATTERY  
(As to All Defendants)**

5           4.25 Plaintiff realleges and incorporates herein by reference the allegations  
6 set forth in Paragraphs 1 through 4.24 of this complaint.

7       4.26 Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY,  
8 GREELEY, and MARTIN's physical seizure and grabbing, beating, tackling, and  
9 dragging off of Plaintiffs, and other acts of physical and emotional brutality against  
10 Plaintiffs were done intentionally, without consent or lawful authority, or legitimate  
11 police purpose, and therefore constituted common law battery.

12           4.27 All of the above alleged tortious conduct caused Plaintiffs to reasonably  
13       fear additional imminent harm to their health and safety and additional tortious use of  
14       force. This fear constitutes a common law assault.

15        4.28 Defendants knew or reasonably should have known that they were and  
16 would inflict this reasonable fear on Plaintiffs.

17        4.29 As a direct and proximate result of the violation of his rights by  
18 Defendants, and of Defendants' tortious conduct towards Plaintiffs, Plaintiffs suffered  
19 general and special damages as alleged in this complaint.

20           4.30 The detention, arrest and the resulting physical and emotional abuse of  
21 Plaintiffs was directly and proximately caused by Supervising Defendants' training,  
22 supervision and failure to discipline and the conduct to which Plaintiffs were subjected.

1       4.31 The conduct of Defendants was willful, malicious, oppressive, and/or  
2       reckless, and was of such a nature that punitive damages should be imposed in an  
3       amount commensurate with the wrongful acts alleged herein.

4 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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**COUNT SIX**  
**MALICIOUS PROSECUTION**  
**(As to All Defendants)**

10        4.32 Plaintiff realleges and incorporates herein by reference the allegations  
11 set forth in Paragraphs 1 through 4.31 of this complaint.

12        4.33 Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY,  
13 GREELEY, MARTIN, HAYES, AND TOWNES falsely arrested Plaintiffs and  
14 submitted knowingly false statements concerning Plaintiffs' actions and knew or  
15 reasonably should have known that the statements concerning the supposed actions  
16 and intentions by Plaintiffs were false, and based on non-existent probable cause.

17        4.34 This false information resulting in lengthy prosecutions of Plaintiffs, with  
18    several court appearances that required them to miss work and disrupted their lives,  
19    before the charges were dismissed.

20        4.35 In fact, this false arrest and malicious prosecution continues to haunt  
21 Plaintiff Dunn's life in the form of false alert codes in police systems and records that  
22 have denied him entry into Canada causing ongoing harm.

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1           4.36 This malicious prosecution also forced Plaintiffs to hire private counsel  
2 and considerable expense to vindicate their rights.

3           4.37 As a direct and proximate result of the violation of his rights by  
4 Defendants, and of Defendants' tortious conduct towards Plaintiffs, Plaintiffs suffered  
5 general and special damages as alleged in this complaint.

6           4.38 The malicious prosecution of Plaintiffs was directly and proximately  
7 caused by supervising Defendants' training, supervision and failure to discipline and  
8 the conduct to which Plaintiffs were subjected.

9           4.39 The conduct of Defendants was willful, malicious, oppressive, and/or  
10          reckless, and was of such a nature that punitive damages should be imposed in an  
11          amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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**COUNT SEVEN**  
**INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**  
**(As to All Defendants)**

20           4.40 Plaintiffs reallege and incorporate herein by reference the allegations set  
21 forth in Paragraphs 1 through 4.39 of this complaint.

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1       4.41 In carrying out the detention, arrest, physical and emotional abuse, and  
2 other acts alleged throughout this complaint, Defendants, and each of them sought to  
3 cause emotional distress and trauma to Plaintiffs, and Plaintiffs did suffer such  
4 emotional distress with accompanying physical symptoms.

5       4.42 As a direct and proximate result of the violation of their Constitutional  
6 rights by Defendants and their other tortious conduct against them, Plaintiffs suffered  
7 general and special damages as alleged in this complaint.

8       4.43 The acts of Defendants were extreme and outrageous and would be so  
9 seen by a reasonable person.

10       4.44 The conduct of Defendants was willful, malicious, oppressive, extreme  
11 and outrageous and/or reckless, and was of such a nature that punitive damages  
12 should be imposed in an amount commensurate with the wrongful acts alleged herein.

13           WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

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**COUNT EIGHT**  
**NEGLIGENCE**  
**(As to All Defendants)**

22       4.45 Plaintiff realleges and incorporates herein by reference the allegations  
23 set forth in Paragraphs 1 through 4.42 of this complaint.

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1        4.46 Defendants, and each of them, owed Plaintiffs a duty to use due care at  
2 or about the times of the aforementioned incidents.

3           4.47 In committing the aforementioned acts and/or omissions, Defendants,  
4 and each of them, negligently breached said duty to use due care, directly and  
5 proximately resulting in the injuries and damages to the Plaintiff as alleged herein.

6 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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**COUNT NINE**  
**CONVERSION**  
**(As to All Defendants)**

16        4.48 Plaintiff realleges and incorporates herein by reference the allegations  
17 set forth in Paragraphs 1 through 4.47 of this complaint.

18        4.49 Defendants, and each of them, deliberately took Plaintiffs' property, a  
19 flag with an emblem of their political ideology, without cause or justification.

20           4.50 Even though the cases are long over, Defendants have refused to return  
21       that flag to Plaintiffs.

22           4.51 As a direct and proximate result of the violation of their rights by  
23 Defendants and their other tortious conduct against them, Plaintiffs suffered general  
24 and special damages as alleged in this complaint.

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1           4.52 The acts of Defendants were extreme and outrageous and would be so  
2       seen by a reasonable person.

3           4.53 The conduct of Defendants was willful, malicious, oppressive, extreme  
4 and outrageous and/or reckless, and was of such a nature that punitive damages  
5 should be imposed in an amount commensurate with the wrongful acts alleged herein.

6 WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

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## **V. JURY TRIAL DEMAND**

10 5.0 Plaintiff hereby demands a jury trial in this matter.

11

## **VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment against the Defendants as follows:

14           1. For general damages including pain and suffering together with special  
15 damages for Plaintiffs reasonable and necessary legal expenses, bail, and medical  
16 expenses both past and future, the exact amount of which will be established at the  
17 time of trial:

18           2. For punitive damages in an amount to be proven at trial pursuant to Federal  
19       and State law;

20           3.     For actual attorney's fees and litigation costs pursuant to 42 U.S.C.  
21     1988;

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1           4. For statutory attorneys fees and costs; and  
2           5. For court supervised training and regulations requiring that officers if the  
3 Seattle Police Department not target participants in demonstrations, and others based  
4 on fact or perception that they are Anarchists, and not use that ideology to initiate  
5 contact, to claim probable cause, or otherwise to harass or molest them in anyway.  
6           6. For such other and further relief as the Court deems just and proper.

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8 DATED: June 19, 2008

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LAWRENCE A. HILDES  
Attorney for Plaintiffs BRENDAN DUNN, JACOB  
ERWIN, AND RYAN TOMPKINS

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